

REMARKS

In this response to the above-identified Office Action, Applicant respectfully requests reconsideration in view of the above amendments and following remarks. Claims 1, 6, 12, 13, 16, and 17 have been amended. No claims have been added or cancelled. Accordingly, claims 1-6 and 8-17 are pending in the application.

Interview Summary

Applicant greatly appreciates Examiner's time in discussion via telephone conference on July 25, 2008. Examiner and Attorney for the Applicant discussed the 103 rejections of the Office Action. No agreement was reached, and Examiner maintained the rejection.

Claim Amendments

Applicant has amended Claims 1, 6, 12, 13, 16, and 17 to include "a gray-level image, wherein the gray-level image includes gray levels, for facilitating adjustment of a color wheel delay of the projector, wherein the adjustment minimizes color tinting of the projected gray-level image" (emphasis added) or similar limitations. Support for the amendments and the new claim may be found at ¶¶ 0017 and 0018 in the specification. Applicant respectfully submits that no new matter has been added.

Claims Rejected Under 35 U.S.C. § 103

To establish a prima facie case of obviousness, the Examiner must show that the cited references, combined, teach or suggest each of the elements of a claim. See *In re Vaack*, 947 F.2d 488, 20 USPQ.2d 1438 (Fed. Cir. 1991). Further, the combination of elements must be more than the predictable use of prior art elements according to their established functions. See *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 127 S. Ct. 1727 (2007).

Claims 1-6, 8-12, and 14-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Int'l Pub. No. WO 01/95544 by Ben-David et al. (hereinafter "Ben-David") in view of U.S. Pat. No. 5,774,196 issued to Marshall (hereinafter "Marshall") and in view of U.S. Pub. No. 2002/0163527 by Park (hereinafter "Park"). Applicant respectfully disagrees for the following reasons.

Claim 1, as amended, includes “a gray-level image, wherein the gray-level image includes gray levels, for facilitating adjustment of a color wheel delay of the projector, wherein the adjustment minimizes color tinting of the projected gray-level image” (emphasis added). Examiner has not relied upon and Applicant has not been able to discern any part of Ben-David, Marshall or Park that teaches or suggests the above limitations.

Further, Examiner admits that Ben-David “does not describe a gray level image for facilitating adjustment of a color wheel delay of the projector.” (Office Action, p. 3.) Examiner cites Marshall, at col. 3, lines 43-50 to teach “a method of manually adjusting a color wheel delay of a spatial light modulator display system by a user by pressing buttons on a remote control . . . A user who perceives a gray level image on a screen will activate the color wheel delay using an interface such as a remote.” However, as described in the paragraph of the the cited section, a user can use his eye “to visually ascertain a predetermined color of the light being illuminated at the particular time after detecting a reference marker.” Marshall, at col. 3, lines 41-43. The process may be performed manually by “simply detecting this predetermined color [such as magenta, a mix of red and blue] with the human eye by illuminating the color wheel only briefly, such as 15 microseconds . . . [w]hile only briefly illuminating the spoke of the color wheel.” Marshall, at col. 3, lines 30-35.

In other words, the spoke, which separates the red and blue segments, is illuminated for 15 ms. If the spoke position is such that equal amounts of red and blue are passed, the display looks like it is magenta. If on the other hand there is too much blue, the display will appear bluish purple, and if there is too much red the display will appear reddish purple. This color adjustment is considerably different than adjusting to “minimize[] color tinting of [any] projected gray-level image” as required by the claim. That is, Marshall does not teach, for example, adjusting timing by viewing a known gray area and adjusting it to make it as gray as possible (i.e., without any hint of a non-gray color).

In addition, Examiner admits that neither Ben-David nor Marshall “describe projecting an on screen display (OSD) on a screen, the OSD comprising the gray-level image created by the scalar . . .” (Office Action, p. 4.) Examiner cites Park to teach “an on screen display (OSD) for adjusting the brightness levels of the monitor . . . wherein the OSD comprises a gray-level image . . .” (Office Action, p. 5.) However, Park merely adjusts the

color in the inside window 55 to match the color of the outside window 56 (see Park, at ¶ 0077 in reference to Fig. 8). Park discloses the adjustment of grades of brightness, at ¶¶ 0078-0081, but does not mention any “minimiz[ation of] color tinting of [any] projected gray-level image” as recited in Applicant’s claim.

Applicant also submits that the combination of Park with Ben-David and Marshall is not proper. The adjustment in Park is of the video circuitry, and not of color wheel timing. If Park were used with a color wheel system, both the color in the inside window and outside window would similarly be affected by color wheel timing, since both colors would be projected through the wheel. It would be illogical to use Park's system with a color wheel system.

Thus, Ben-David in view of Marshall in view of Park does not teach or suggest each of the elements of these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

Independent **Claims 6, 12, 16, and 17**, as amended, include elements similar to those of amended Claim 1. Thus, at least for the reasons mentioned above in regard to independent Claim 1, Ben-David in view of Marshall in view of Park does not teach or suggest each of the elements of these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

Claims 2-5, 8-11, 14, and 15 depend from independent Claims 1 and 6, respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to the independent claims, Ben-David in view of Marshall in view of Park does not teach or suggest each of the elements of these dependent claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Marshall in view of Park. Applicant respectfully disagrees for the following reasons.

Independent **Claim 13**, as amended, includes elements similar to those of amended Claim 1. Thus, at least for the reasons mentioned above in regard to independent Claim 1, Marshall in view of Park does not teach or suggest each of the elements of this claim.

Accordingly, reconsideration and withdrawal of the obviousness rejection of this claim are requested.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application; the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 50-2421.

Sincerely,

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